



City of Phoenix

General Information Packet

Thursday, January 19, 2023

phoenix.gov

1	Consideration of a Citizen Petition Submitted by Mr. Kim Baker	Page 3
2	Department of Justice Investigation Update	Page 8
3	Public Works Hiring and Bulk Trash Update	Page 12
4	Emergency Rental Assistance Program Weekly Update	Page 16
5	Weekly Community Spread Benchmark Report	Page 18



Consideration of a Citizen Petition Submitted by Mr. Kim Baker

This report provides the City Council with information in response to a citizen petition submitted by Mr. Kim Baker on Dec. 14, 2022, **Attachment A**.

Summary

On Dec. 14, 2022, Mr. Baker submitted a Citizen Petition that included six items. Upon review by the Law Department, items one through five were determined to not qualify as a citizen petition and could not be placed on a Council agenda. As a result, items one through five were determined to be information requests. Responses to the information requested in items one through five are detailed in this report.

Staff submits the following responses to Mr. Baker information requests one through five:

1. Request Council to have City Manager's Office investigate if Police Chief Sullivan and former Officer Patrick Sullivan are related.

This does not qualify as a citizen petition as it does not fall within the purview of the City Council. Both the City Charter (Chapter III, Sec. 4) and City Code (Chapter 2, Sec. 4) expressly prohibit the Council from directing the City Manager regarding personnel and administrative matters. Therefore, this item is considered an information request. In response to this information request, the Police Department responded stating that to Chief Sullivan's knowledge, he does not know, and is not related to former Officer Patrick Sullivan.

2. Request Council to answer this question - Why was Lt. Scott Smith of the Tempe PD meeting with Officer Sullivan on Dec. 18, 2011?

This does not qualify as a citizen petition as it does not fall within the purview of the City Council. Personnel and administrative matters involving City of Phoenix employees are within the sole authority of the City Manager. Both the City Charter (Chapter III, Sec. 4) and City Code (Chapter 2, Sec. 4) expressly prohibit the Council from directing the City Manager regarding personnel and administrative matters. Therefore, this item is considered an information request. In response to this information request, the Police Department responded stating that any Police Department record of a meeting with Lt. Scott Smith in 2011 is beyond the retention

period and any records or documentation beyond the required retention period are no longer available.

3. Request Council to answer this question - Why did Officer Sullivan abruptly resign?

This does not qualify as a citizen petition as it does not fall within the purview of the City Council. Personnel and administrative matters involving City of Phoenix employees are within the sole authority of the City Manager. Both the City Charter (Chapter III, Sec. 4) and City Code (Chapter 2, Sec. 4) expressly prohibit the Council from directing the City Manager regarding personnel and administrative matters. Therefore, this item is considered an information request. In response to this information request, the Police Department responded stating that Phoenix Police Department records indicate Officer Sullivan submitted a standard two-week notice and resigned to take other employment.

4. Request Council to answer this question - Why was Officer Pendergrass named as the harassing officer.

This does not qualify as a citizen petition as it does not fall within the purview of the City Council. Personnel and administrative matters involving City of Phoenix employees are within the sole authority of the City Manager. Both the City Charter (Chapter III, Sec. 4) and City Code (Chapter 2, Sec. 4) expressly prohibit the Council from directing the City Manager regarding personnel and administrative matters. Therefore, this item is considered an information request. In response to this information request, the Police Department responded stating there does not appear to be a record of an Officer Pendergrass serving as a member of the department. However, there is an Officer Pendergast. It is unclear what is meant by "harassing officer," what incident and time period is being referenced in the request, or if this request relates to the other questions.

5. Request Council to answer this question - Why does the City Attorney admonish Citizens before citizen comment, but on Oct. 12, 2022, Councilmember DiCiccio referred to me as an "idiot?"

This does not qualify as a citizen petition as it does not request the City Council to take any specific action.

In addition to the responses to items one through five, staff submits the following information as it relates to Mr. Baker's sixth item which was determined to qualify as a citizen petition.

6. Request Council to recommend both the Council and citizens be given the same admonishments from the City Attorney.

Upon review by the Law Department, item six was determined to qualify as a citizen

petition because it is an action within the purview of the City Council. This citizen petition will be considered during the City Council Formal meeting on Jan. 25, 2023.

Responsible Department

This item is submitted by City Manager Jeffrey Barton and Assistant City Manager Lori Bays and the Police and Law departments.

2022 DEC 14 PM 4:44

December 14, 2022

Citizens Petition

- 1 Requesting the Council to have the City Manager investigate and see if Chief Michael Sullivan, and former Police officer Patrick Sullivan are related.
- 2, Why was officer Patrick Sullivan Meeting at 32 St and Broadway with Lieutenant Scott Smith of the Tempe Police Department on December 18, 2011, Officer Sullivan called me by name, how did he know my name.
- 3, Why Did Officer Sullivan abruptly resign after I filed formal Charges of harassment and intimidation against him.
- 4, Why was officer Pendergrass South Phoenix present, named as the harassing officer.
- 5 Why does the City Attorney admonish Citizens before Citizens Comments not to attack Council or disrespect, however on October 12, 2022 formal meeting Councilman Sal Desciso referred to me or another Citizen as a "Idiot" Reference Item 95 Citizen Petition.

6, Recommendation both the Council
and Citizens be given the same
admonishment from this petition
indefinitely

Respectfully Submitted

[REDACTED]

Phx, Az [REDACTED]



Department of Justice Investigation Update

This report provides information regarding the U.S. Department of Justice Investigation (DOJ) into Phoenix Police Department (PPD).

Summary

The U.S. Department of Justice (DOJ) announced, on Aug. 5, 2021, an investigation into whether the Phoenix Police Department (PPD) and the City of Phoenix engaged in a "pattern or practice" of civil rights violations. The City and the PPD continue to pledge its support and participation in the investigation by providing all requested documents, videos, interviews, ride-alongs, and any additional DOJ requests.

The investigation focuses on five areas:

- Excessive force in violation of the Fourth Amendment,
- Discriminatory policing that violates the Constitution and Federal law,
- Retaliation against those engaged in First Amendment-protected activities,
- Violations of the Americans with Disabilities Act (ADA) related to behavioral health disabilities; and,
- Violations of the rights of individuals experiencing homelessness with regards to the disposal of their property.

Further information about the DOJ investigation into each area will come in the following months.

DOJ Process and Work to Date:

- The DOJ historically has taken nine to 38 months to investigate police departments and provide findings on whether the facts support the conclusion that the police department has engaged in a pattern or practice of civil rights violations.
 - For instance, the City of Albuquerque has a third of the population of Phoenix and was investigated in two areas. The investigation took 18 months. The City of Newark, population 300,000, was investigated in three areas. The investigation took 38 months.
 - The DOJ investigation into Phoenix began in August 2021 and is entering its 17th month.
 - The DOJ has not indicated when the investigation will conclude.
-

- Some community members have asked what brought the DOJ to Phoenix, but we do not know what complaints or incidents triggered the investigation. The DOJ has declined to respond to those questions.
- "Pattern or practice" is not a precisely defined standard in law or practice. It means more than an individual incident or a limited number of incidents. It suggests pervasive violations of civil rights.
- Staff has coordinated over 100 interviews (both virtually and on-site).
- Facilitated numerous observations of academy classes, both in-person and online.
- Arranged 43 ride-alongs by DOJ lawyers and investigators with PPD and other City staff.
- In addition to the approximately 80,000 documents Phoenix has provided to DOJ, staff continues to review the materials produced with DOJ and respond to requests for clarification and supplemental documentation.

What's next?

- In almost all investigations involving large cities, the DOJ publicly issues its findings.
- Once the DOJ findings are announced, the City will have a very limited opportunity to review the findings before they are made public. Then the City can continue its review and may accept, or dispute some or all the findings.
- After the City and DOJ discuss and negotiate the findings, we may enter into a settlement agreement or a consent decree. This process could take several months.
- The term "settlement agreement" means an out-of-court resolution that requires performance by the City and could be enforced through the filing of a lawsuit for breach of contract.
- The term "consent decree" is a negotiated resolution that is entered as a court order and is enforceable through a motion for contempt.
- The alternative to a settlement agreement or consent decree is to litigate the case against the DOJ.
- In the 28 years that the DOJ has been authorized by Congress to conduct "pattern or practice" investigations, only one jurisdiction of the many where DOJ has found civil rights violations has chosen to litigate the matter - a small county in North Carolina, which was successful in their efforts. Additional information on this case, and other consent decrees will follow in additional updates.
- If the parties agree on a negotiated consent decree, the U.S. District Court for the District of Arizona will approve it and will supervise it for the duration of the decree, which can last many years.
- Past police department consent decrees have required substantial reforms in the areas of hiring, training, supervision, and accountability, among others.

- Once a consent decree is approved by the Court, the parties enter a monitoring and compliance phase, which generally focuses on policy changes, training on the policy changes, and implementation of the policy changes until the police department comes into compliance with the requirements of the consent decree.
- A Judge is assigned the monitoring for the Court, and an independent monitoring team is hired. The Judge may hold meetings to review the status of compliance; how often or in what format the Judge reviews the consent decree will be up to the Judge.

Views on the value of settlement agreements and consent decrees:

- The DOJ argues that settlement agreements and consent decrees provide state and local governments with a stable, long-term plan to reform agencies and departments and, in the law enforcement context, to rebuild trust between law enforcement agencies and the communities they serve.
- Critics of the DOJ's pattern-or-practice program argue the DOJ can overstep its role through insisting on settlement agreements or consent decrees that are hundreds of pages long, are hard to comply with, and that are costly and affect police departments or cities negatively. Additionally, the consent decree removes the flexibility for police departments and cities to make policy and spending decisions.
- Monitoring activities last for the duration of the settlement agreement or consent decree, in most cases for larger cities they are for several years, and cost cities millions.

Currently:

- Throughout this process, PPD continues to keep our city streets safe by preventing, fighting, and investigating crimes, recruiting efforts to fill a historic number of vacancies, and additional training focused on community and officer safety.
- The City is expanding the internal city law and PPD DOJ team dedicated to supporting the investigation by adding civilian staff, as opposed to sworn personnel.
- City staff are evaluating other consent decrees, Crime and Justice Institute and American Law Institute guidance, and reviewing PPD policies, training and accountability to proactively enact appropriate reforms.
- Implementation of reforms will include policy revisions on use of force and accountability, such as a pilot for use of force review and evaluating the structure of PPD boards.
- Initiating reforms will serve to show that PPD can self-assess and self-correct.

Financial Impact

City staff is researching costs incurred by other cities under consent decrees and how

the City may pay for some of the expenses. This information, about the costs in other cities, will come in the following months.

Responsible Department

This item is submitted by City Manager Jeffrey Barton and the Law Department.



Public Works Hiring and Bulk Trash Update

This report provides information on the current status of Public Works hiring and bulk trash collection.

THIS ITEM IS FOR INFORMATION ONLY.

Summary

The attached memo (Attachment A) provides current updates of Public Works hiring and bulk trash collection.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.

Attachment A



City of Phoenix

To: Jeff Barton
City Manager

Date: January 13, 2023

Through: Karen Peters
Deputy City Manager

From: Joe Giudice
Public Works Director

Subject: PUBLIC WORKS HIRING AND BULK TRASH UPDATE

This memo provides an update of the efforts towards hiring essential frontline positions and the status of bulk trash collection.

The City Management and Public Works Department have implemented several strategies to boost recruitment, hiring, and retention for Solid Waste Equipment Operators (SWEO) and mechanic positions such as including a temporary three dollar per hour increase for all CDL positions, a \$2,500 hiring incentive, \$3,000 retention incentive, and the funding of a dedicated recruiter for solid waste and fleet positions. The following tables provide information on recruitment and retention status for SWEO, Heavy Equipment Mechanic, and Equipment Service Worker II positions.

Table one presents current vacancies, vacancy rate, a forecast of new employees scheduled to start in the next two weeks, and candidates in earlier stages of the pre-employment process. To ensure an understanding of the net change in staff the table also lists current employees that are promoting or otherwise vacating positions. In terms of the vacancy rate for SWEO, the goal is no more than 13 vacancies, which represents an approximate four percent vacancy rate. Achieving this goal ensures appropriate staff coverage for daily route assignments, bulk trash collection and coverage for vacation and other forms of leave. Fleet currently has 20 candidates scheduled for interviews with additional candidates expected by the Feb. 3, 2023 hiring event.

To provide some context to the vacancy status for Solid Waste Equipment Operator positions, in September 2022 there was a 23 percent vacancy rate and by mid-January 2023 the vacancy rate had decreased to 10.5 percent.

Public Works Department Weekly Hiring Update As of Friday, January 13, 2023			
Item	Solid Waste Equipment Operator	Heavy Equipment Mechanic	Equipment Service Worker II
Current Vacancies (rate)	33 (10.5%) Full Time 20 Part Time	9 (9.5%)	11 (21.7%)
Scheduled to Start Monday 1/16/23	2	0	0
Pre-Employment in Process	20	0	0
Candidates Dropped from the Process this week	4	0	0
Resignations	2	0	0
Retirements	0	0	0
Terminations	0	0	0
Promotions	0	0	0
Next Scheduled interviews	1/12/2023	2/3/2023	2/3/2023

Table 1

Table two provides an update on the status of bulk trash collection citywide listing the completion goal, schedule status, and the service areas scheduled for collection. Effective Dec.19, 2022, Public Works is providing incentive pay for nine Solid Waste Environmental Specialist positions that elected to accept a temporary assignment to return to bulk trash operators. These employees will be assigned for full time work supplementing existing bulk trash crews until the schedule is fully restored.

Bulk trash collection continues to be a challenge as the department works to onboard and train bulk trash SWEOS, as well as maintain the increase in uncontained tonnage. It is important to note that the volume of material placed out by residents for collection has increased substantially since the same time last year.

Bulk Trash Daily Report As of Thursday, January 12, 2023		Current Goal		
		100%	100%	80%
Region	Days Behind	Area 13 Scheduled Start Dec. 26, 2022	Area 1 Scheduled Start Jan. 2, 2023	Area 2 Scheduled Start Jan. 9, 2023
Citywide Average	9.6	85%	2%	0%

Table 2

Table three shows the increased bulk trash collected through the first twelve areas for cycle four. Comparing these bulk trash areas between 2020/2021 and 2021/2022, the operation saw an increase of 6,748 tons, a 26 percent increase. Each bulk trash crew is expected to collect a minimum of 75 tons of material each week. Over the last twelve areas, we averaged 7.5 crews' worth of extra tonnage.

Uncontained Tonnage						
Area	Tons 2020/2021	Tons 2021/2022	Tonnage Difference	Crews Needed 2020/2021	Crews Needed 2021/2022	Crews Needed Difference
Area 1	2,448	2,183	-265	32.6	29.1	(3.5)
Area 2	2,543	2,544	1	33.9	33.9	0.0
Area 3	2,418	2,912	494	32.2	38.8	6.6
Area 4	1,991	3,152	1,161	26.5	42.0	15.5
Area 5	1,551	2,462	911	20.7	32.8	12.1
Area 6	2,016	2,640	624	26.9	35.2	8.3
Area 7	2,316	2,527	211	30.9	33.7	2.8
Area 8	2,505	3,100	595	33.4	41.3	7.9
Area 9	2,248	2,944	696	30.0	39.3	9.3
Area 10	2,201	3,154	953	29.3	42.1	12.7
Area 11	2,037	2,723	686	27.2	36.3	9.1
Area 12	1,682	2,363	681	22.4	31.5	9.1
Total	25,956	32,704	6,748	28.8	36.3	7.5

Table 3



Emergency Rental Assistance Program Weekly Update

This report provides information on the current status of the Emergency Rental Assistance Program.

Summary

The attached memo (**Attachment A**) provides current updates of the Emergency Rental Assistance Program.

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Human Services Department.

ATTACHMENT A



City of Phoenix

To: Jeff Barton
City Manager

Date: January 19, 2023

Through: Gina Montes
Deputy City Manager

From: Marchelle F. Franklin
Human Services Director

Subject: WEEKLY EMERGENCY RENTAL ASSISTANCE PROGRAM REPORT

This memo outlines current updates of the Emergency Rental Assistance (ERA) Program. Cumulative direct services expenditures total \$123,016,065 which are not fully reflected in the chart below.

ERA 1.0 reallocated funding closeout functions are currently underway and may result in some adjustments to final expenditure balances. Additionally, some administrative funds were redirected to program services due to service demands and administrative capacities.

The expenditures below represent recently made available ERA 2.0 funds disbursed to eligible households, following an administrative fund shift to fully exhaust ERA 1.0 Reallocated funds by Dec. 29, 2022. The Human Services Department expended \$815,567.96 over the previous week to 110 households.

On Jan. 11, 2023, the City received notification that our recent request to receive funds reallocated from another jurisdiction (Arizona Department of Economic Security) was approved. Receipt of the additional \$7,000,000 in ERA 2.0 reallocated funds is pending.

ERA Program Data

The table below demonstrates expenditure and program data for ERA 2.0 funding:

Time Period	Households Served	Residents Served	Ineligible Applications	Total Expenditures
Jan. 2 – Jan. 7	58	163	0	\$431,162.14
Jan. 9 – Jan. 14	110	298	0	\$815,567.96
Jan. 16 – Jan. 21				
Jan. 23 – Jan. 28				
Total	168	461	0	\$1,246,730.10



Weekly Community Spread Benchmark Report

This report provides City Council with an update regarding the status of the current community spread benchmark indicators tracked by the City of Phoenix related to COVID-19 as requested at the Dec. 2, 2020 Formal Meeting. This information represents the latest data released by the Centers for Disease Control and Prevention (CDC) on Jan. 12, 2023.

Summary

The Maricopa County Department of Public Health has transitioned from Community Transmission Risk indicators to the new CDC Community Level reporting, which reports at the County level and are rated as Low, Medium or High. The weekly report now follows the CDC Community Level reporting.

The CDC Community Level is determined by the higher of the inpatient beds and new admissions indicators, based on the current level of new cases per 100,000 in the past seven days. Please note that, in the event New Cases per 100,000 exceeds 200, the community level can be no lower than Medium, regardless of the inpatient bed use or hospital admissions per 100,000.

The attached memo (**Attachment A**) provides an indicator dashboard of the CDC Community Level for Maricopa County. The current CDC Community Level for Maricopa County is **Low**.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays.



City of Phoenix

To: Jeffrey Barton
City Manager

Date: January 19, 2023

From: Lori Bays
Assistant City Manager

Subject: WEEKLY COMMUNITY SPREAD BENCHMARK REPORT

This memo communicates the community spread benchmarks within the City of Phoenix.

The Maricopa County Department of Public Health has transitioned from Community Transmission Risk indicators to the new CDC Community Level reporting, which reports at the County level.

The CDC Community Level is determined by the higher of the inpatient beds and new admissions indicators, based on the current level of new cases per 100,000 in the past 7 days. Please note that, in the event New Cases per 100,000 exceeds 200, the community level can be no lower than Medium, regardless of the inpatient bed use or hospital admissions per 100,000. For more information about the COVID-19 Community Levels go to the [CDC COVID-19 Community Levels](https://www.cdc.gov/media/releases/2020/s111920-covid-19-community-levels.html) site.

**Current CDC COVID-19 Community Level:
Maricopa County**

Low

Reporting Week		Percentage of In-Patient Bed Usage	New Hospital Admissions per 100,000	New COVID Cases per 100,000
Most Current Week Reporting	Jan. 12, 2023	4.3%	8.1	94.39
Previous Week Reporting	Jan. 5, 2023	4.9%	11.6	80.66

COVID-19 Community Levels – Use the Highest Level that Applies to Your Community				
New COVID-19 Cases Per 100,000 people in the past 7 days	Indicators	Low	Medium	High
Fewer than 200	New COVID-19 admissions per 100,000 population (7-day total)	<10.0	10.0-19.9	≥20.0
	Percent of staffed inpatient beds occupied by COVID-19 patients (7-day average)	<10.0%	10.0-14.9%	≥15.0%
200 or more	New COVID-19 admissions per 100,000 population (7-day total)	NA	<10.0	≥10.0
	Percent of staffed inpatient beds occupied by COVID-19 patients (7-day average)	NA	<10.0%	≥10.0%